

REMARKS

Claims 1, 3, 4, 6, 8, 11 and 14 are objected to because of the following informalities:

- a. In claim 1, the location of the layers is not clear.

Claim 1 has been amended accordingly.

- b. In claims 3 and 4, it is not clear which side of the paper the clay layer is located.

Claims 3 and 4 have been amended accordingly.

- c. Claim 6 recited the limitation "electron-beam curable varnish" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 has been amended accordingly.

- d. Claim 6 recited the limitation "support portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 has been amended accordingly.

- e. Claim 8 recited the limitation "transfer portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 has been amended accordingly.

- f. Claim 11 recites the limitation "ink/printed design" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 has been amended accordingly.

- g. Claim 11 recites the limitation "transfer portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 has been amended accordingly.

h. Claim 14 recites the limitation "support portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 has been amended accordingly.

i. Claim 14 recites the limitation "transfer portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 has been amended accordingly.

Claims 1, 2, 5, 6, 8, 11, 12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by He et al. (US 2005/0100689 A1).

He discloses a heat transfer label comprising a support portion and a transfer portion (abstract). The support portion comprises a paper substrate [0041] and release layer [0044]. The paper substrate is equivalent to the claimed first layer and the release layer is equivalent to the claimed second layer. The transfer portion comprises a wax layer [0061] and an ink design layer [0065]. The wax layer is equivalent to the claimed third layer. Olefinic material is used to form the release layer [0047].

Applicant has amended claim 1 to state that the varnish or other coating is cured by electron beam radiation. He does not teach this element. Therefore, the above claims are not anticipated or obvious over He.

Claims 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over He et al. (US 2005/0100689 A1), as applied to claims 1, 2, 5, 6, 8, 11, 12 and 14, above.

He does not disclose the thickness of the release layer and the wax layer in terms of lbs/3,000 sq. ft as claimed. The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. One of ordinary skill in the art would have been motivated to adjust the thickness of the layers in order to ease transferability of the transfer potion and to enhance the color density of the ink design layer. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good.

Claims 7, 9 and 10 all depend on amended claim 1. For the reasons stated above, these claims are not obvious over He.

Applicant has added new Claim 15. New Claim 15 relates to a heat transfer label assembly consisting of four layers wherein all four layers are bonded together to form a transfer label assembly. He requires additional layers other than the four layers required in Claim 15 and therefore claim 15 is not anticipated or obvious over He.

Applicant believes the application is now in condition for allowance.

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Signature:

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Respectfully submitted,



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